

(10)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW

PETITIONER

Vs.

IMMIGRATION & NATURALIZATION
SERVICE,

RESPONDENT

FILE No. 1:CV-01-0756
(Judge; Caldwell)FILED
SCRANTON

NOV 29 2001

PER _____
DEPUTY CLERK

PETITIONER'S (SUPPLEMENT REBUTTAL) TO THE U.S. ATTORNEY'S RESPONSE
TO THE PETITIONER'S WRIT OF HABEAS CORPUS.

The United State's Attorney, has carefully and predictable interpreted the congress's 1952 INA, § 321, to fit their own criteria and agenda. (the deportation of aliens in a indiscriminate, malicious and in an abundantly prejudicial manner).

Before we consider the precise wording of Section 321 (a) of the Immigration nationality act, it is most important we understand what the conjunction AND, means. Or in general what the defination of a conjunction is...See the American Heritage dictionary. At the same time please consider the meaning of the word OR, (and alternative, the second of two choices to be used in a given situtation to achieve an ultimate goal or purpose. In this case derivative citizenship.

Section 321 (a) of the INA reads as follows:

A child born outside the United States of alien parents, becomes a citizen of the U.S. upon the fullillment of the following conditions:

1. The naturalization of both parents; (OR) interpreted meaning...in the alternative that both parents do not naturalize the following other conditions will suffice for said child to obtain U.S. citizenship. See #s (4) & (5). The section does not state that numbers (2) & (3) of the act are necessary prerequisites for number (4) & (5) to be implemented for said child to attain his U.S. citizenship.
2. The manner in which numer (3) of the INA is written, left it open to serious varied conjecture, ambiguity and bigotry, by those who defend the republis of the United States.

EXHIBIT 008
10/2/01

Reference is made to the Application for Certificate of Citizenship, Form N-600, filed by you on or around May 16, 2001 under Section 321 of the Immigration and Nationality Act as amended.

Section 321 (a) of the Act determines in part that

A child born outside of the United States of alien parents ... becomes a citizen of the United States upon the fulfillment of the following conditions:

- (1) The naturalization of both parents; or
- (2) The naturalization of the surviving parent if one of the parents is deceased; or
- (3) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents or the naturalization of the mother if the child was born out of wedlock and the paternity of the child has not been established by legitimation; and
- (4) Such naturalization takes place while such child is under the age of eighteen years; and
- (5) Such child is residing in the United States pursuant to lawful admission for permanent residence at the time of the naturalization of the parent last naturalized ..., or thereafter begins to reside permanently in the United States while under the age of eighteen years...

As amended, section 1431 provides that a child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

- (1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
- (2) The child is under the age of eighteen years.
- (3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

8 U.S.C. §1431.

The provisions of the Child Citizenship Act apply only to "individuals who satisfy the requirements of section 320 [§1431] or 322 [§1433] of the Immigration and Nationality Act, as in effect on [February 27, 2001]." Child Citizenship Act of 2000, §104.² Thus,

¹ Although repealed on February 27, 2001, 8 U.S.C. §1432 remains in effect for aliens who fulfilled the conditions stated in that section before that date.

² That section provides:

The amendments made by this title shall take effect 120 days after the date of the enactment of this Act and

3. The repealing of 8. USC § 1432 of the INA and the amending of section 1431 and 1433 also the impementation of the child citizenship ACT of 2000, SS 101-103, would to the prudent and thinking mind seem only logical in purpose as to construe in purpose the effect of past ACTS in history, such as the Magna Carta ACT, & th emancipation ACT of Lincoln's day, are legislative Acts to relieve the pain and suffering of the immediate time and people. And the most prudent branch of the U.S. Government to best interpret the laws passed by congress so that justice would be properly served accross the board and equality be prevail for all that have suffered of from the previous inadequacy of the past legislation of the 1952 congress INA ACT erroneous nonchalant dubious and ambiguitious interpretation by lay lawyers of the day. That if left to their reasoning would have the nation thrown into a Vichy type regime as occurred in France in the 1940s when over 80,000 Jews were bitterly betrayed by their fellow country men deported to detention centers (Dracy & Auschwitz for example - today here in the U.S. they are called COUNTY JAILS, YORK, MONTGOMERY COUNTY, BERKS COUNTY AND THE LIKES). Over Half a million L.P.Rs. have been removed from the U.S. along with some U.S. Citizens a fact that is kept fro the eye of the public, but is a well known and documented occurence in the files of the INS. (not less we not mention CAMP OAKDALE).

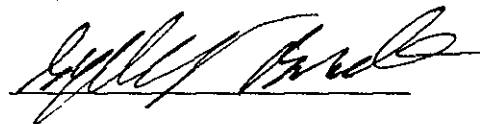
Wherefore, based on the foregoing, the petitioner beseech, and respectfully ask this most Honorable Court to "SEMPER FI," and prudently consider the stakes at had and the pain and suffering of its' present residents and citizens. And be genuine and just in this matter of interpreting the laws as congress intended its' application to reaffirm that justice prevail for all that live within its' boarders, and not a select part of its' residents.

FAITHFULLY SUBMITTED


SYDNEY BRADSHAW

CERTIFICATE OF SERVICE

I Hereby cietify that a true copy of the within document was served on the U.S. Attorney's office, Asst' U.S. attorney Ms Kate L. Mershimer, at 228 Walnut St. 2nd Fl. P.O. Box 11754/Harrisburg, PA. 171708-1754, on the 20, day of November 2001, by regular mail from M.C.C.F. out going mail first class mail.



U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

APPLICATION FOR CERTIFICATE OF CITIZENSHIP

OMB No. 1115-0018

FEE STAMP

Take or mail this application to:
IMMIGRATION AND NATURALIZATION SERVICE

(Print or type) Mr Sydney Ian Bradshaw
(Full, True Name, without Abbreviations)
Cell #87, 60 Eagleville Rd (M.C.C.T.)
(Apartment number, Street address, and if appropriate, "in care of")
Norristown U.S. PA 19403
(City) (Country) (State) (ZIP Code)
None
(Telephone Number)

Date 11/18/2001
 nee _____
(Maiden name, if any)

ALIEN REGISTRATION

No. 013-914-480

(SEE INSTRUCTIONS. BE SURE YOU UNDERSTAND EACH QUESTION BEFORE YOU ANSWER IT.)

I hereby apply to the Commissioner of Immigration and Naturalization for a certificate showing that I am a citizen of the United States of America.

(1) I was born in Georgetown British Guiana S.A. on April, 15 1953
(City) (State or Country) (Month) (Day) (Year)
 (2) My personal description is: Sex male; complexion black; color of eyes brown; color of hair black; height 5' feet 9" inches;
 weight 315 pounds; visible distinctive marks none

Marital status: ☐ Single; ☐ Married; ☒ Divorced; ☐ Widow(er).

(3) I arrived in the United States at Queen's New York (Kennedy) on 12/20/1964
(City and State) (Month) (Day) (Year)
 under the name Sydney Ian Bradshaw by means of Air Plane
(Name of ship or other means of arrival)
☐ on U. S. Passport No. ? issued to me at ? on ?
(Month) (Day) (Year)
☐ on an Immigrant Visa. ☐ Other (specify) Legal Permanent Resident

(4) FILL IN THIS BLOCK ONLY IF YOU ARRIVED IN THE UNITED STATES BEFORE JULY 1, 1924.

(a) My last permanent foreign residence was _____
(City) (Country)
 (b) I took the ship or other conveyance to the United States at _____
(City) (Country)
 (c) I was coming to _____ at _____
(Name of person in the United States) (City and State where this person was living)
 (d) I traveled to the United States with _____
(Names of passengers or relatives with whom you traveled, and their relationship to you, if any)

5) Have you been out of the United States since you first arrived? ☐ Yes ☒ No: If "Yes" fill in the following information for every absence.

DATE DEPARTED	DATE RETURNED	Name Of Airlines Or Other Means Used To Return To The United States	Port Of Return To The United States

I have filed a petition for naturalization. (If "have" attach full explanation.)
(have) (have not)

THE APPLICANT. - Do not write between the double lines below. Continue on next page.

ARRIVAL RECORDS EXAMINED

ARRIVAL RECORD FOUND

Index _____
 Index books _____
 Manifests _____

Place _____ Date _____
 Name _____
 Manner _____
 Marital status _____ Age _____

(Signature of person making search)

(CONTINUE HERE)

- (7) I claim United States citizenship through my (check whichever applicable) ☐ father; ☒ mother; ☐ both parents; ☒ myself
☐ adoptive parent(s) ☐ husband
- (8) My father's name is Mr Sydney Arnold Bradshaw; he was born on 01 05 1920
 at ? (City) British Guiana (State or Country); and resides at ? (Street address, city and State or country. If dead, write "dead" and date of death.)
 He became a citizen of the United States by ☐ birth; ☒ naturalization on ? (Month) (Day) (Year)
 in the N.Y.C. (Name of court, city and State) Certificate of Naturalization No. ?
☐ through his parent(s), and ? (was) (was not) issued Certificate of Citizenship No. A or AA ?
 (If known) His former Alien Registration No. was ?
 He ? (has) (has not) lost United States citizenship. (If citizenship lost, attach full explanation.)
 He resided in the United States from 1 1 1941 (Year) to 7 1 1952 (Year); from ? (Year) to ? (Year); from ? (Year) to ? (Year);
 from ? (Year) to ? (Year); from ? (Year) to ? (Year); I am the child of his ? (1st, 2d, 3d, etc.) marriage.
- (9) My mother's present name is Mrs Frances Veronica Bradshaw; her maiden name was De Mendonza
 she was born on October 1 1921 (Month) (Day) (Year); at British Guiana (City) (State or country); she resides at ? (Street address, city, and State or country. If dead write "dead" and date of death.)
 She became a citizen of the United States by ☐ birth; ☒ naturalization under the name of ?
 on 06 21 1969 (Month) (Day) (Year) in the ? (Name of court, city, and State)
 Certificate of Naturalization No. ?; ☐ through her parent(s), and ? (was) (was not) issued Certificate of
 Citizenship No. A or AA ? (If known) Her former Alien Registration No. was ?
 She ? (has) (has not) lost United States citizenship. (If citizenship lost, attach full explanation.)
 She resided in the United States from ? (Year) to ? (Year); from ? (Year) to ? (Year); from ? (Year) to ? (Year);
 from ? (Year) to ? (Year); from ? (Year) to ? (Year); I am the child of her ? (1st, 2d, 3d, etc.) marriage.
- (10) My mother and my father were married to each other on 00 21 61 (Month) (Day) (Year) at Georgetown, British Guiana (City) (State or country)
- (11) If claim is through adoptive parent(s):
 I was adopted on ? (Month) (Day) (Year) in the ? (Name of Court)
 at ? (city or town) (State) (Country) by my ? (mother, father, parents) who were not United States citizens at that time.
- (12) My ? (father) (mother) served in the Armed Forces of the United States from ? (Date) to ? (Date) and ? (was) (was not) honorably discharged.
- (13) I ? (have) (have not) lost my United States citizenship. (If citizenship lost, attach full explanation.)
- (14) I submit the following documents with this application:

Nature of Document

Names of Persons Concerned

(15) Fill in this block if your brother, sister, mother or father ever applied to the Immigration Service for a certificate of citizenship.

NAME OF RELATIVE	RELATIONSHIP	Date of Birth	WHEN APPLICATION SUBMITTED	CERTIFICATE NO. AND FILE NO., IF KNOWN, AND LOCATION OF OFFICE
John Arnold Brubaker	FATHER	08/24	?	
Frank Vincent Brubaker	MOTHER	11/27	?	
Celia Arnold Brubaker	BROTHER	12/18/54	?	

(16) Fill in this block only if you are now or ever have been a married woman. I have been married _____ time(s), as follows:
(1, 2, 3, etc.)

DATE MARRIED	NAME OF HUSBAND	CITIZENSHIP OF HUSBAND	IF MARRIAGE HAS BEEN TERMINATED:	
			Date Marriage Ended	How Marriage Ended (Death or Divorce)

(17) Fill in this block only if you claim citizenship through a husband. (Marriage must have occurred prior to September 22, 1922.)

Name of citizen husband _____; he was born on _____ (Month) (Day) (Year)
(Give full and complete name)

at _____; and resides at _____ He became a citizen of the
(City) (State or country) (Street address, city, and State or country. If dead, write "dead" and date of death.)

United States by ☐ birth; ☐ naturalization on _____ in the _____ Certificate of
(Month) (Day) (Year) (Name of court, city, and State)

Naturalization No. _____; ☐ through his parent(s), and _____ issued Certificate of
(was) (was not)

Citizenship No. A or AA _____ He _____ since lost United States citizenship. (If citizenship lost, attach full explanation.)
(has) (has not)

I am of the _____ race. Before my marriage to him, he was married _____ time(s), as follows:
(1, 2, 3, etc.)

DATE MARRIED	NAME OF WIFE	IF MARRIAGE HAS BEEN TERMINATED:	
		Date Marriage Ended	How Marriage Ended (Death or Divorce)

(18) Fill in this block only if you claim citizenship through your stepfather. (Applicable only if mother married U.S. Citizen prior to September 22, 1922.)

The full name of my stepfather is _____; he was born on _____ at _____
(Month) (Day) (Year) (City) (State or country)

and resides at _____ He became a citizen of the United States by ☐ birth;
(Street address, city, and State or country. If dead, write "dead" and date of death.)

☐ naturalization on _____ in the _____ Certificate of Naturalization No. _____
(Month) (Day) (Year) (Name of court, city and State)

☐ through his parent(s), and _____ issued Certificate of Citizenship No. A or AA _____ He _____ since lost United
(was) (was not) (has) (has not)

States citizenship. (If citizenship lost, attach full explanation.) He and my mother were married to each other on _____ at _____
(Month) (Day) (Year) (City and State or country)

My mother is of the _____ race. She _____ issued Certificate of Citizenship No. A _____
(was) (was not)

Before marrying my mother, my stepfather was married _____ time(s), as follows:
(1, 2, 3, etc.)

DATE MARRIED	NAME OF WIFE	IF MARRIAGE HAS BEEN TERMINATED:	
		Date Marriage Ended	How Marriage Ended (Death or Divorce)

(19) I have previously applied for a certificate of citizenship on 1/17/61 at U.S. Court House 225 Calhoun Plaza
(have) (have not) (Date) (Office) Boston, MA 02101

20) Signature of person preparing form. If other than applicant, I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

SIGNATURE:

ADDRESS:

DATE:

(SIGN HERE)

(Signature of applicant or parent or guardian)

UNITED STATES DISTRICT COURT

ROBERT C. HEINEMANN
CLERK
JAMES GIOKAS
CHIEF DEPUTY

EASTERN DISTRICT OF NEW YORK

Important ☒

PLEASE REPLY TO:
☒ BROOKLYN OFFICE
U.S. COURTHOUSE
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201
☐ UNIONDALE OFFICE
2 UNIONDALE AVE
UNIONDALE, NEW YORK 11553
☐ HAUPPAUGE OFFICE
300 RABRO DRIVE
HAUPPAUGE, NEW YORK 11788

March 27, 2001

Sydney Ian Bradshaw,
60086
Y.C.P.
3400 Concord Road
York, PA 17402

Re: Return of the Enclosed Set of Papers
For Citizenship Application

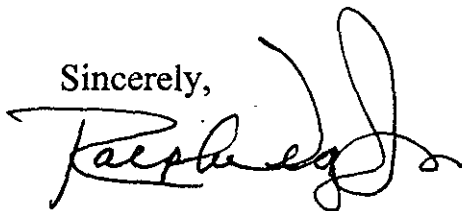
Dear Sir,

Our Office is returning to you the attached set of citizenship application papers, which was received a couple of days ago. This set of papers should be sent to the Immigration and Naturalization Service office in New York City, whose mailing address is as follows:

Immigration and Naturalization Service (INS)
New York City District Office
26 Federal Plaza
Room 14-102
New York, NY 10278

Thank you.

Sincerely,



Ralph Vega, Jr.,
Pro Se Writ Clerk

2 copies

Department of the Navy Navy Personnel Command



from the Armed Forces of the United States of America

This is to certify that

PRIVATE SYDNEY IAN BRADSHAW 111 44 5371

was Honorably Discharged from the

United States Marine Corps

on the 11TH day of APRIL 1972 This certificate is awarded

as a testimonial of Honor and Faithful Service

Fred L. Wood

F. R. WOOD
CHIEF WARRANT OFFICER-3, USMC